

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAWAN PIERCE THURMOND,

Plaintiff,

v.

Case No. 15-13167

District Judge Laurie J. Michelson

Magistrate Judge R. Steven Whalen

CITY OF SOUTHFIELD, et al.,

Defendants.

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**ORDER CONDITIONALLY ASSIGNING COUNSEL**

On March 14, 2017, the Court granted in part and denied in part Defendants' Motion for Judgment on the Pleadings. *See* Order [Doc. #163]. The sole surviving Defendant is Southfield Police Sgt. Porter, against whom Fourth Amendment/Sec. 1983 claims based on seizure of money and alleged use of excessive force remain.

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993), the Sixth Circuit noted that "[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances." (Internal quotations and citations omitted). The Plaintiff having survived dismissal as to the sec. 1983 claims against Sgt. Porter, I am persuaded that this is a case where the assignment of *pro bono* counsel is justified, and that permitting Plaintiff to be represented by counsel would be of great benefit to the parties and the Court.

Therefore, the Court will order the appointment of *pro bono* counsel, conditioned on procuring *pro bono* counsel within a reasonable time.

IT IS SO ORDERED.

s/R. Steven Whalen

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R. STEVEN WHALEN

United States Magistrate Judge

Dated: March 20, 2017

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on March 20, 2017, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla

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Case Manager